

U.S. Department
of Transportation
United States
Coast Guard



Commander
8th Coast Guard District
Hale Boggs Federal Bldg

501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol: (mvs)
Phone: (504) 589-6743

16711

JUN 5 1996

From: Commander, Eighth Coast Guard District
To: Distribution

Subj: FUELING OF TANK BARGE PUMP ENGINES

1. In response to enclosure (1), the following policy is provided regarding the applicability of pollution prevention and vessel inspection regulations to the transfer of fuel from towboats to independent deck fuel tanks aboard tank barges.
2. In determining if 33 CFR 156 applies, only the capacity of the towboat and the barge deck tank should be considered. Barge deck tanks are typically independent tanks with their own piping system. If the capacity of either the tug fuel system or the barge deck tank is above 250 barrels, the pollution prevention regulations of 33 CFR 156 apply.
3. Enclosure (2) established the policy that a cargo barge carrying fuel for its own use, or for the use of the towing vessel, is not considered a tank vessel. This was based upon the premise that the carrying vessel's "principle purpose" was not the carriage of liquid bulk cargo and that the fuel was not cargo because it was not "transported to, and offloaded at, a destination." This policy can be expanded to the scenario described in enclosure (1). Consequently, a tug that transfers fuel to the pump engines of its tow is not considered a tank vessel. These transfers should be allowed when they are conducted in accordance with applicable regulations and in a manner that does not threaten the safety of crew or the environment.
4. I concur that the transfer of fuel from the towboat to the barge does not create an unreasonable threat to safety or the environment. I also agree that other alternatives might increase the probability of a pollution incident.
5. Questions regarding this policy may be referred to CDR Tetreau, Chief, Marine Safety Compliance Branch at (504) 589-6271.

A handwritten signature in dark ink, appearing to read "J. W. Calhoun".
J. W. CALHOUN
By direction

Encl: (1) MSO NOLA ltr 16711 of 22 Feb 1996
(2) Commandant (G-MVI-1) ltr 16711 of Jan 24, 1995

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U.S. Department
of Transportation

United States
Coast Guard



Commanding Officer
U.S. Coast Guard
Marine Safety Office

1615 Poydras Street
New Orleans, LA 70112-1254
Phone: (504) 589-6273
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16711
22 February 1996

From: Commanding Officer, Coast Guard Marine Safety Office,
New Orleans
To: Commander, Eighth Coast Guard District (m)
Subj: FUELING OF TANK BARGE PUMP ENGINES

1. This office recently received an inquiry concerning requirements for filling fuel tanks for pump engines from the fuel tanks of towboats or workboats. This has raised several issues for which your policy guidance is requested.

2. It is general practice on inland waters to take fuel from the towing vessel's integral fuel tanks and pump it into the deck tank on the barge. Generally, these deck tanks for the pump engine's fuel would seldom exceed 1000 gallon capacity and would normally be somewhat smaller. The pollution prevention and transfer requirements of 33 CFR Parts 155 and 156 apply to each vessel with a capacity of 250 more barrels or more.

a. In determining whether these regulations should be applied to the subject vessels/operation insofar as persons in charge (e.g., tankermen), declarations of inspection, etc. are concerned, please advise whether the total capacity of the tank barge, including cargo tanks, should be considered, or only the capacity of the deck fuel tank.

b. Although most towboats will have a fuel capacity exceeding 250 barrels, some of the smaller workboats tending fleets and used for the subject purpose may not. Is a person in charge meeting the qualifications of 33 CFR 155.710 required for each the barge and towboat/workboat, or is it permissible for the same person to be in charge of both vessels?

c. The Marine Safety Manual, Volume II, Section 31.E.1. touches on the issue, however this section appears to be somewhat out of date given the present wording of 33 CFR 154.100 and 33 CFR 156.100.

3. A paramount concern is the use of an uninspected towboat/workboat as the delivery vessel. It is my opinion that the oil which is transferred from the boat is cargo, notwithstanding that it is from the boat's fuel tank and will be used as fuel aboard the barge. With the exception of certain offshore supply vessels, fishing vessels, and fish processing vessels, those vessels which carry oil in bulk as cargo are tank vessels (see 46 USC 2101(39), 46 USC 3702, and 33 CFR 157.03).

Enclosure (1)

16711
22 February 1996

Subj: FUELING OF TANK BARGE PUMP ENGINES

a. Certain inspected vessels (e.g., cargo, passenger) are permitted to carry limited quantities of oil as a secondary cargo. These vessels must nevertheless comply with certain inspection and OPA 90 requirements for carriage of oil as cargo, and are considered "tank vessels" for the purposes of these laws and/or regulations (see, for example, NVIC 10-94). The towboats/workboats are uninspected vessels.

b. Your recent policy guidance concerning the inspection of seagoing barges defined "bulk", for the purposes of 46 USC 3302, as being 250 barrels. If this definition was extended to the subject operations, some of the involved towboats would not be considered "tank vessels" for the purposes of the various inspection and pollution prevention laws and/or regulations cited above.

c. Please advise if the transfer of oil (as cargo) from the fuel tank of an uninspected towboat is permitted. Should the capacity of the towboat's fuel tank be considered in determining if it is carrying oil in bulk? Is 250 barrels the quantity of oil considered to constitute bulk for the purposes of defining a tank vessel?

4. I do not feel that the transfer of fuel from the towboat to the barge creates an unreasonable threat to safety or the environment, nor am I aware of any pollution incidents which have resulted from this practice. Other alternatives, such as fueling the deck tanks from a certificated fuel barge, are probably not economically feasible and would likely increase the probability of a pollution incident. Nevertheless, a strict interpretation of the laws/regulations cited above may indicate that this practice is prohibited. Accordingly, policy direction in this matter is requested.


G. D. MARSH

US Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

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Washington, D.C. 20593-0001
Staff Symbol (G-MVI-19008)
Phone (202) 267-1464

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16711

JAN 24 1995

From: Commandant
To : Commanding Officer, Marine Safety Office, Houston
Via : Commander, Eighth Coast Guard District (m) *Sur*
Subj: F/B VIRGINIA (D651023); REQUEST FOR CARRIAGE OF DIESEL
FUEL IN BALLAST TANK

Ref : (a) MARINE SAFETY MANUAL, VOL. II, 10.C.4.b. (page 10-11)
(b) MARINE SAFETY MANUAL, VOL. II, 11.D.4 (page 11-2)
(c) MARINE SAFETY MANUAL, VOL. II, 11.J.3 (page 11-7)
(d) 46 USC 3302(m), (Public Law 103-206, Section 311)
(e) 57 Federal Register 36226 (Wednesday, 12 August 1992)
(f) MVI Policy Ltr No. 3-94, November 14, 1994

1. This is in response to your letter 16711 of September 6, 1994, which requested policy guidance in the matter of the carriage of diesel fuel oil by Subchapter I cargo barges. I concur with the policy in reference (a) which states that a Subchapter I cargo barge may carry fuel oil for consumption by its propelling vessel on occasional long voyages, if a cognizant Officer-in-Charge, Marine Inspection (OCMI) determines that there is a genuine need for the fuel, and there is no attempt to circumvent applicable admeasurement or safety regulations.

2. My determination is based on the differing requirements for the carriage of diesel fuel as cargo, compared to its carriage as fuel. As discussed in reference (b), diesel fuel is "considered a cargo when transported to, and offloaded at, a destination." Further reading of that paragraph distinguishes the carriage of diesel fuel by a vessel in its own integral tanks, and for its own use, from carriage as cargo. It states that carriage of diesel as fuel would not subject the vessel to Subchapter D requirements. Reference (a) acknowledges this distinction, indicating that a Subchapter I barge may carry fuel for use by barge machinery. It also expands this distinction by including fuel carried by the barge for use by its propelling vessel. This expansion is not incompatible with the distinction established in reference (b).

Enclosure (2)

SUBJ: F/B VIRGINIA (D651023); REQUEST FOR CARRIAGE OF DIESEL FUEL IN BALLAST TANK

3. Neither does the expansion contradict the wording in reference (c). This paragraph, while ostensibly prohibiting the carriage of combustible or flammable liquid in any quantity in bulk on a Subchapter I barge, must be interpreted in the context of its location in the Marine Safety Manual, i.e., Chapter 11, "Carriage of Combustible and Flammable Cargo." Hence this paragraph is not intended to prohibit the carriage of consumable fuel oil in bulk on a Subchapter I barge.

4. Indeed, the carriage of fuel oil in bulk for consumption by barge machinery (and by extension, the barge's propelling vessel) is authorized under the Seagoing Barge Act. If it were not, there would have been no need to enact reference (d), a 1993 amendment to Chapter 33 of Title 46, United States Code. Among other things, this law removes from inspection those unmanned seagoing barges which do not carry "a flammable or combustible liquid, including oil, in bulk." This clearly implies that Subchapter I barges have been authorized to carry flammable or combustible liquid, including oil, in bulk all along.

5. Finally, the Oil Pollution Act of 1990 (OPA 90) also distinguishes between the carriage of consumable fuel oil and cargo oil. As discussed in reference (e), "Double Hull Standards for Vessels Carrying Oil in Bulk," the Coast Guard specifically declined to extend double hull protection to all fuel tanks. The distinction between fuel and cargo is reiterated in reference (f), which clarified the term "tank vessel" for OPA 90 regulation purposes to mean any vessel constructed or adapted to carry oil or hazardous material in bulk as cargo.

6. Although in the instant case I do not agree with your opinion that carriage of diesel fuel in the aft peak ballast tank makes a Subchapter I barge a tank vessel, I share your concern about the overall propriety of this practice were it to occur on a regular basis. Accordingly, I am providing additional guidance to be followed when evaluating such requests in the future.

a. Integral tanks. The bulkheads of the integral tank(s) proposed for the carriage of additional fuel oil shall be of oil tight construction. Carriage of fuel oil in forepeak tanks is not permissible. The integral tank(s) used for the carriage of fuel shall be isolated from the ballast system.

b. Independent tanks. Independent fuel oil tanks shall comply with 46 CFR 58.50.

c. Ventilation and piping. Affected areas of the barge must comply with the applicable provisions of 46 CFR 56.50-85 and 46 CFR 56.50-75(b).

d. Vessel equipment. The barge shall comply with applicable requirements of 33 CFR 155.320 through 155.470.

SUBJ: F/B VIRGINIA (D651023); REQUEST FOR CARRIAGE OF DIESEL FUEL IN BALLAST TANK

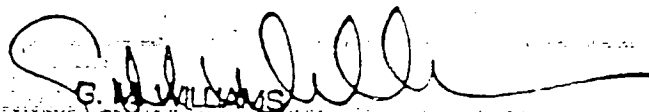
e. Fuel transfer procedures. Transfer procedures, personnel qualifications, equipment and record keeping requirements shall comply with the applicable provisions of 33 CFR Part 155, Subpart C and 33 CFR 156.

f. Loadline and Stability. The operator of the barge must satisfy the cognizant OCMF that the proposed carriage of fuel oil will not adversely affect the vessel's stability or loadline limitations. Under no conditions shall the barge be permitted to carry fuel in an amount which exceeds 20% of its deadweight tonnage.

g. Authorization. Authorization for the carriage of fuel in the barge to be consumed by the propelling vessel must be made in writing. Authorization shall not be granted for more than one round trip voyage per application. The ballast tank(s), voids or other spaces on the barge which were specially used for the carriage of the propelling vessel's fuel shall be required to be gas freed following completion of its voyage and before returning to conventional Subchapter I service. (This does not include existing integral or independent tanks which carry the fuel for the barge's machinery under normal conditions.) Applicants requesting authorization to carry fuel shall be advised that transfer of the fuel to other than the barge's propelling vessel (or barge machinery) will result in the fuel being considered cargo. In that case the barge would be considered a tank vessel as defined in 46 USC 2101(39), and would be subject to all applicable tank vessel regulations. It is the applicant's responsibility to ensure that the personnel, equipment and procedures involved in the operation comply with all applicable requirements.

7. There is no rigid criteria for determining what constitutes "genuine need" and "an occasional long voyage." These terms are best defined by the cognizant OCMF in the context of each particular case. As a guide, I would consider "occasional" as no more than two occurrences in any twelve month period. Factors to consider when determining "genuine need" should include the availability and cost differential of a propelling vessel of suitable fuel capacity. To aid in determining if the request is an "occasional" one, applicants should indicate how many such requests they have made to the Coast Guard in the previous twelve months. In view of the terms and conditions I've established to obtain authorization, it may now be more practicable for companies to employ larger towing vessels for these types of situations.

8. Thank you for bringing this issue to my attention. I will incorporate the contents of this letter into the next change to the Marine Safety Manual. The point of contact on my staff for this matter is LCDR Dave Scott at (202) 267-1191.


G. J. Williams
By direction